

MONTANA LEGISLATIVE HISTORY

BEST COPY
AVAILABLE

Chapter 487 19 97

Bill H 376 S _____ Original bill & history ✓ C

H. Committee on State Admin

Hearing Date(s) Feb 06 ✓ C

Feb 02 ✓ C

_____ C

_____ C

Date Out _____ C

S. Committee on State Admin.

Hearing Date(s) Mar 10 ✓ C

_____ C

_____ C

_____ C

Did this bill originate in an interim committee? _____ Yes _____ No

Committee _____

Report _____

2/05 HEARING
 2/06 FISCAL NOTE PRINTED
 2/12 Tabled in COMMITTEE
 2/27 MISSED DEADLINE FOR 45TH DAY TRANSMITTAL
 DIED IN COMMITTEE

HB 375 INTRODUCED BY RYAN, ET AL.

LC0887 DRAFTER: KURTZ

REVISE REGULATIONS GOVERNING EXCAVATIONS NEAR UNDERGROUND UTILITIES

1/28	INTRODUCED		
1/28	FIRST READING		
1/28	REFERRED TO BUSINESS & LABOR		
2/04	HEARING		
2/05	COMMITTEE REPORT—BILL PASSED		
2/06	2ND READING PASSED	92	6
2/07	3RD READING PASSED	94	6
	TRANSMITTED TO SENATE		
2/08	FIRST READING		
2/08	REFERRED TO BUSINESS & INDUSTRY		
3/19	HEARING		
3/21	COMMITTEE REPORT—BILL CONCURRED		
3/22	2ND READING CONCURRED	49	0
3/24	3RD READING CONCURRED	49	1
	RETURNED TO HOUSE		
3/26	SIGNED BY SPEAKER		
3/27	SIGNED BY PRESIDENT		
3/28	TRANSMITTED TO GOVERNOR		
4/01	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 179		
	EFFECTIVE DATE: 10/01/97		

HB 376 INTRODUCED BY TROPILA, ET AL.

LC1281 DRAFTER: PETESCH

INCREASE PUBLIC INPUT INTO STATE AGENCY DECISIONS BY REQUIRING A PUBLIC HEARING HELD FOR AN ACTION THAT DIRECTLY IMPACTS A SPECIFIC COMMUNITY OR AREA TO BE HELD IN AN ACCESSIBLE FACILITY IN THE IMPACTED COMMUNITY OR AREA

1/28	INTRODUCED		
1/28	FIRST READING		
1/28	REFERRED TO STATE ADMINISTRATION		
1/28	FISCAL NOTE REQUESTED		
2/03	FISCAL NOTE RECEIVED		
2/06	HEARING		
2/06	FISCAL NOTE PRINTED		
2/08	COMMITTEE REPORT—BILL PASSED AS AMENDED		
2/13	2ND READING PASSED	94	5
2/14	3RD READING PASSED	94	5
	TRANSMITTED TO SENATE		
2/17	FIRST READING		
2/17	REFERRED TO STATE ADMINISTRATION		
3/10	HEARING		
3/11	COMMITTEE REPORT—BILL CONCURRED		
3/14	2ND READING CONCURRED AS AMENDED	48	1
3/15	3RD READING CONCURRED	41	6
	RETURNED TO HOUSE WITH AMENDMENTS		
4/10	2ND READING AMENDMENTS CONCURRED	85	9
4/11	3RD READING CONCURRED AS AMENDED	91	5
4/20	SIGNED BY SPEAKER		

4/24 SIGNED BY PRESIDENT
 4/25 TRANSMITTED TO GOVERNOR
 5/01 SIGNED BY GOVERNOR
 CHAPTER NUMBER 487
 EFFECTIVE DATE: 10/01/97

HB 377 INTRODUCED BY RYAN, ET AL.

LC0875 DRAFTER: CAMPBELL

REQUIRE THAT A REQUEST FOR AN EXEMPTION FROM PAYING THE TAX
 FOR A TELEVISION DISTRICT BE SUBJECT TO REVIEW AND APPROVAL
 BY THE TELEVISION DISTRICT BOARD OF TRUSTEES

1/28	INTRODUCED		
1/28	FIRST READING		
1/28	REFERRED TO LOCAL GOVERNMENT		
2/11	HEARING		
2/14	COMMITTEE REPORT—BILL PASSED		
2/15	2ND READING PASSED	83	16
2/18	3RD READING PASSED	80	20
	TRANSMITTED TO SENATE		
2/19	FIRST READING		
2/19	REFERRED TO LOCAL GOVERNMENT		
3/20	HEARING		
3/22	COMMITTEE REPORT—BILL CONCURRED		
3/27	2ND READING CONCURRED	39	2
3/28	3RD READING CONCURRED	44	4
	RETURNED TO HOUSE		
4/04	SIGNED BY SPEAKER		
4/05	SIGNED BY PRESIDENT		
4/07	TRANSMITTED TO GOVERNOR		
4/08	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 216		
	EFFECTIVE DATE: 10/01/97		

HB 378 INTRODUCED BY RYAN

LC0733 DRAFTER: MALY

REQUIRE THE DEPARTMENT OF REVENUE TO SUPPLY EMPLOYEES WHO
 ARE APPRAISERS WITH CELLULAR PHONES

1/27	FISCAL NOTE REQUESTED		
1/28	INTRODUCED		
1/28	FIRST READING		
1/28	REFERRED TO TAXATION		
1/31	FISCAL NOTE RECEIVED		
2/06	FISCAL NOTE PRINTED		
2/07	HEARING		
2/07	TABLED IN COMMITTEE		
2/11	TAKEN FROM TABLE IN COMMITTEE AND REREFERRED TO APPROPRIATIONS		
2/19	HEARING		
3/11	TABLED IN COMMITTEE		
4/05	MISSED DEADLINE FOR 71ST DAY TRANSMITTAL DIED IN COMMITTEE		

HB 379 INTRODUCED BY RYAN, ET AL.

LC0731 DRAFTER: MALY

REQUIRE THE DEPARTMENT OF REVENUE TO OFFER A GREATER VARIETY
 OF SUBJECTS FOR CONTINUING EDUCATION FOR APPRAISERS AND
 ASSESSORS

1/27	FISCAL NOTE REQUESTED
1/27	FISCAL NOTE REQUESTED
1/28	INTRODUCED

House BILL NO. **376**

INTRODUCED BY

Dennis Van Valkenburg

Marcelo John Johnson

DENNY Van Valkenburg

A BILL FOR AN ACT ENTITLED: "AN ACT INCREASING PUBLIC INPUT INTO STATE AGENCY DECISIONS BY REQUIRING A PUBLIC HEARING HELD FOR AN ACTION THAT DIRECTLY IMPACTS A SPECIFIC COMMUNITY OR AREA TO BE HELD IN THE IMPACTED COMMUNITY OR AREA; AND AMENDING SECTIONS 2-3-111, 16-4-202, AND 75-10-924, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 2-3-111, MCA, is amended to read:

"2-3-111. **Opportunity to submit views -- public hearings.** (1) Procedures for assisting public participation ~~shall~~ must include a method of affording interested persons reasonable opportunity to submit data, views, or arguments, orally or in written form, prior to making a final decision that is of significant interest to the public.

(2) When a state agency proposes to take an action that directly impacts a specific community or area and a public hearing is held, the hearing must be held in the impacted community or area."

Section 2. Section 16-4-202, MCA, is amended to read:

"16-4-202. **Resort licenses.** (1) It is the intent and purpose of this section to encourage the growth of quality recreational resort facilities in undeveloped areas of the state and to provide for the orderly growth of existing recreational sites by the establishment of resort areas within which retail all-beverages licenses may be issued by the department under the terms and as more particularly prescribed below. In addition to the licenses as otherwise set forth in this code, the department may issue resort retail all-beverages licenses in a resort area.

(2) For the purposes of this section, a resort area is defined as a recreational facility meeting the qualifications determined by the department as ~~hereinafter~~ provided in this section.

(3) The department shall determine that the area for which licenses are to be issued is a resort area, ~~such~~ The determination to must be made under and pursuant to rules ~~to be first promulgated on or before December 31, 1975.~~

1 (4) In addition to the other requirements of this code, a resort area, for the purposes of qualification
2 for the issuance of a resort retail all-beverages license, must have a current actual valuation of resort or
3 recreational facilities, including land and improvements ~~thereon~~, of not less than \$500,000, at least half
4 of which valuation must be for a structure or structures within the resort area, and must be under the sole
5 ownership or control of one person or entity at the time of the filing of the resort area plat referred to in
6 subsection (5) ~~of this section~~. The word "control" ~~shall mean~~ means lands held under lease, option, or
7 permit.

8 (5) The resort area must be determined by the resort developer or landowner by a plat setting forth
9 the resort boundaries, and designating the ownership of the lands within the resort area, ~~which~~ The plat
10 must be verified by the resort developer or landowner and must be filed with the department prior to the
11 filing of any applications by individuals for licenses within the resort area. ~~Such~~ The plat must show the
12 location and general design of the buildings and other improvements to be built in ~~said~~ the area in which
13 resort retail all-beverages licenses ~~are to be~~ may be located. A master plan for the development of the area
14 may be filed by the resort developer in satisfaction of this section.

15 (6) Upon ~~such~~ filing, the department shall ~~forthwith~~ schedule a public hearing to be held in ~~Helena,~~
16 ~~Montana~~ the proposed area, to determine whether the facility proposed by the resort developer or
17 landowner is a resort area within the meaning of the rules of the department. At least 30 days prior to the
18 date of the hearing, the department shall publish notice ~~thereof~~ of the hearing, with a description of the
19 location of the proposed resort area, in a newspaper published in the county or counties in which the resort
20 is located, once a week for 4 consecutive weeks. Each resort developer or landowner shall, at the time
21 of filing ~~his~~ the application, pay to the department an amount sufficient to cover the costs of ~~said~~
22 publication.

23 (7) Persons may present statements to the department at the hearing in person or in writing in
24 opposition or support of the plat.

25 (8) Within 30 days of the hearing, the department shall accept or reject the plat. If rejected, the
26 department ~~must~~ shall state its reasons and set forth the conditions, if any, under which the plat will be
27 accepted, ~~and the~~ The decision of the department may be reviewed pursuant to the review procedure set
28 forth in 16-4-406.

29 (9) Once filed with the department, the boundaries of a resort may not be changed without ~~the~~
30 hearing, ~~as above~~ provided in this section, and the prior approval of the department, ~~which~~ The approval

shall must be made according to public convenience and necessity.

(10) (a) When the department has accepted a plat and a given resort area has been determined, applications may then be filed with the department ~~by persons~~ for the issuance of resort retail all-beverages licenses within the resort area.

(b) Each applicant must submit plans showing the location, appearance, and floor plan of the premises for which application for a license is made.

(c) If an applicant otherwise qualifies for a resort license but the premises to be licensed are still in construction or are otherwise incomplete at the time of ~~such~~ application, the department shall issue a letter stating that the license will be issued ~~at such time as~~ when the qualifications for a licensed premises have been met. ~~setting~~ The letter must set forth ~~such~~ time limitations and requirements ~~as~~ that the department may establish.

(11) In addition to the restrictions on sale or transfer of a license as provided in 16-4-204 and 16-4-404, ~~no~~ a resort retail all-beverages license may not be sold or transferred for operation at a location outside of the boundaries of the resort area.

(12) A resort retail all-beverages license ~~shall not be~~ is subject to the quota limitations set forth in 16-4-201, and if the requirements of this section have been met, a resort retail all-beverages license ~~shall~~ must be issued by the department on the basis that the department has determined that ~~such~~ the license is justified by public convenience and necessity, in accordance with the procedure required in 16-4-207."

Section 3. Section 75-10-924, MCA, is amended to read:

"75-10-924. Hearing date -- location -- department to act as staff. (1) Upon receipt of the department's report submitted under 75-10-922, the board shall set a date for a hearing to begin not more than 120 days after receipt of the report. A certification hearing must be conducted by the board ~~in Helena~~ ~~or~~ in the county seat of the county in which the facility or the greatest portion of the facility is to be located.

(2) Except as provided in 75-10-926, the department shall act as the staff for the board throughout the decisionmaking process and the board may request that the department present testimony or cross-examine witnesses as the board considers necessary and appropriate."

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for HB0376, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

A bill increasing public input into state agency decisions by requiring a public hearing held for an action that directly impacts a specific community or area to be held in the impacted community or area.

ASSUMPTIONS:

1. Of the 30 agencies polled for a response for a fiscal note for this bill, 3 responded with a fiscal impact. They are: Crime Control Division, Department of Revenue, and Fish, Wildlife and Parks.

Crime Control Division:

2. Assume that the Board of Crime Control will act on 200 subgrant applications each year. Of those, 40 will be denied and they will impact a specific area.
3. The Board will give an option to the denied applications to have them presented on-site. Half, or 20 will accept.
4. Each presentation will require 3 staff members, and will cost \$500/meeting, or a total cost of \$10,000 (20 x \$500). The general fund will contribute \$2,500 (25%) of the cost, with federal funds the remaining, \$7,500.

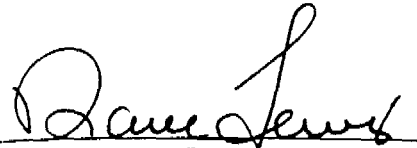
Department of Revenue (DOR):

5. The Liquor Division holds an average of 27 hearings per year, of which 24 are anticipated to be held outside Helena.
6. A licensing certification specialist (grade 10, DOR employee), and a hearings officer and an attorney must attend all hearings.
7. Per diem costs per trip, including transportation, meeting room rent, food and lodging, would be \$500 per trip, or \$12,000 (\$500 x 24).
8. Due to time current constraints of the hearings officer and the attorney, half the trips will utilize independent contractors, at a cost of \$10,000.

Fish, Wild and Parks:

9. This bill would only affect decisions made by the FWP commission and not of any advisory board.
10. When the commission meets in an impacted area, an average of 6 Helena based FWP employees will attend. Each meeting will cost approximately \$1,000.
11. Depending on the interpretation of this bill, the commission could be required to hold an additional 10-100 meetings/year. Assume 25 additional meetings, or additional costs of \$25,000 (\$1,000 x 25).

(continued)

 2-1-97
DAVE LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

JOE TROPILA, PRIMARY SPONSOR DATE

Fiscal Note for HB0376, as introduced

HB 376

Fiscal Note Request, HB0376, as introduced
page 2
continued

<u>FISCAL IMPACT:</u>	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
Crime Control Div.:		
Operating expense	\$10,000	\$10,000
<u>Funding:</u>		
General fund (01)	2,500	2,500
Federal special (03)	<u>7,500</u>	<u>7,500</u>
Total	\$10,000	\$10,000
DOR - Liquor Division:		
Operating expenses (06)	\$22,000	\$22,000
Fish, Wildlife and Parks:		
Operating expense (02)	\$25,000	\$25,000
<u>Net Impact on Fund Balance:</u> (revenue minus expense)		
Operating expense	(\$57,000)	(\$57,000)
<u>Funding:</u>		
General fund (01)	(\$ 2,500)	(\$ 2,500)
State special (02)	(25,000)	(25,000)
Federal special (03)	(7,500)	(7,500)
Proprietary (06)	<u>(22,000)</u>	<u>(22,000)</u>
Total	(\$57,000)	(\$57,000)

1997 LEGISLATIVE HISTORY

The 1997 Montana Legislature has dramatically changed the nature of the legislative minutes. Specifically, the minutes from House committees are extremely sparse in content, offering no substantive information from which to glean legislative intent. The Senate committees' minutes are somewhat fuller in content. Exhibits available from the State Law Library (which may include written statements, attendant information, roll call votes, roll call attendance, a list of public members present, specific action taken on legislative bills, etc.) are included with this request. For information on other exhibits, contact the Montana Historical Society Archives at 444-4774. Exhibits may also be purchased on a CD-ROM from the Montana Legislative Council (444-3064).

Just as in the 1995 legislative session, the House and Senate hearings were recorded. The Historical Society is the depository for the tapes. For information on accessing the tapes, call the archives at 444-4774.

If you have concerns over the format of the 1997 legislative minutes, it is suggested that you contact your state legislators.

Coalition, Montana Welfare Action Coalition.

EXHIBIT 6.

{Tape: 1; Side: a; Approx. Time Count: 11.3; Comments: None.}

Opponents' Testimony:

Robert Throssell, Montana Association of Clerks and Recorders.

{Tape: 1; Side: a; Approx. Time Count: 13; Comments: None.}

Duane Winslow, County Election Administrator, Yellowstone.

{Tape: 1; Side: a; Approx. Time Count: 14.7; Comments: None.}

Shelly Cheney, County Clerk and Recorder, Gallatin.

{Tape: 1; Side: a; Approx. Time Count: 22.7; Comments: None.}

Betty T. Lund, County Clerk and Recorder, Ravalli.

EXHIBIT 7.

{Tape: 1; Side: a; Approx. Time Count: 28.4; Comments: None.}

Sue Haverfield, County Clerk and Recorder, Flathead.

{Tape: 1; Side: a; Approx. Time Count: 31.9; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 35.7 through 5(1/b);
Comments: None.}

Closing by Sponsor: REP. HURDLE closes.

{Tape: 1; Side: b; Approx. Time Count: 5; Comments: None.}

HEARING ON HB 376

Opening Statement by Sponsor: REP. JOE TROPILA, H.D. 47.

{Tape: 1; Side: b; Approx. Time Count: 8.4; Comments: None.}

Proponents' Testimony:

Marilyn Wesle, Board of Regions.

EXHIBIT 8.

{Tape: 1; Side: b; Approx. Time Count: 11.3; Comments: None.}

Bob Lane, Chief Council, Department of Fish, Wildlife and Parks.

EXHIBIT 9.

{Tape: 1; Side: b; Approx. Time Count: 12.9; Comments: None.}

Gene Kiser, Administrator, Montana Board of Crime Control.

{Tape: 1; Side: b; Approx. Time Count: 14; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 16.7; Comments: None.}

Closing by Sponsor: REP. TROPILA closes.

{Tape: 1; Side: b; Approx. Time Count: 23.2; Comments: None.}

EXHIBIT 8
DATE 2/6/97
HB 376

Amend HB 376 as follows: Page 1, line 16, after "agency" insert ",other than the Board of Regents of Higher Education,"

Explanation

At each of its meetings (eight per year) the Regents make any number of decisions the "directly impacts a specific community or area." For example, the Regents might raise a fee for this or that campus, or add or subtract a degree program for this or that campus, or add or subtract personnel to or from a specific campus. All these seem to fit the definition of an action requiring a localized hearing. This would virtually immobilize the Regents as they would be forced to travel from campus town to campus town for dozens of hearings annually to deal with the separate issues of each specific campus. This amendment avoids that.

EXHIBIT 9
DATE 2/6/97
HB 376

Amendments to House Bill No. 376
First Reading Copy

Requested by Fish, Wildlife & Parks
For the Committee on Fish and Game

Prepared by Robert Lane
February 6, 1997

1. Page 1, line 5.

Following: "THAT"

Strike: "DIRECTLY"

Insert: "SIGNIFICANTLY"

2. Page 1, line 16.

Following: "that"

Strike: "directly"

Insert: "significantly"

3. Page 1.

Following: line 17

Insert: "(3) The requirement of a hearing in a specific community
or area does not apply if the agency action is one of general
applicability."

2-6-97
State Admin

ROLL CALL

NAME	PRESENT	ABSENT	EXCUSED
Rep. Matt Brainard	X		
Rep. Harriet Hayne	X		
Rep. Darrel Adams	X		
Rep. Haley Beaudry	X		
Rep. William Rehbein, Jr.	X		
Rep. Sam Kitzenberg	X		
Rep. Allan Walters	X		
Rep. Norm Mills	X		
Rep. Tim Dowell	X		
Rep. Doug Mood	X		
Rep. Trudi Schmidt	X		
Rep. Bill Whitehead	X		
Rep. George Heavy Runner	X		
Rep. Dorothy C. Simpson	X		
Rep. Antoinette R. Hagener	X		
Rep. Matt Denny	X		

All Present

HOUSE STATE ADMINISTRATION COMMITTEE

BILL NO: HB 376 SPONSOR: # Tropila

Please leave prepared testimony with secretary.
Witness statement forms are available if you care to submit written testimony.

{Tape: 1; Side: a; Approx. Time Count: 5.3; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 11.1; Comments: None.}

Closing by Sponsor: REP. BRAINARD closes.

{Tape: 1; Side: a; Approx. Time Count: 21.6; Comments: None.}

HEARING ON HJR 12

Opening Statement by Sponsor: REP. BOB PAVLOVICH, H.D. 37.

{Tape: 1; Side: a; Approx. Time Count: 22.2; Comments: None.}

Proponents' Testimony:

Rep. John Cobb, H.D. 50.

{Tape: 1; Side: a; Approx. Time Count: 23.1; Comments: None.}

Jim Jacobson, Administer, Montana Veterans Affairs Division.

{Tape: 1; Side: a; Approx. Time Count: 24.4; Comments: None.}

Hal Manz, American Legion of Montana; Reserve Officers Association.

{Tape: 1; Side: a; Approx. Time Count: 28.2; Comments: None.}

Roger A. Hagen, Enlisted and Officer Associations of the National Guard of Montana.

{Tape: 1; Side: a; Approx. Time Count: 29.9; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: a; Approx. Time Count: 30.5; Comments: None.}

Closing by Sponsor: REP. PAVLOVICH closes.

{Tape: 1; Side: a; Approx. Time Count: 33.7; Comments: None.}

EXECUTIVE ACTION ON HB 376

Motion: REP. BEAUDRY MOVED DO PASS ON HB 376.

{Tape: 1; Side: a; Approx. Time Count: 34.5; Comments: None.}

Motion: REP. HAGENER MOVED TO AMEND.

{Tape: 1; Side: a; Approx. Time Count: 34.6; Comments: None.}

Vote: Motion carried 14-0.

{Tape: 1; Side: a; Approx. Time Count: 38.7; Comments: None.}

Motion: REP. SIMPSON MOVED DO PASS AS AMENDED.

{Tape: 1; Side: a; Approx. Time Count: 39; Comments: None.}

Discussion: REP. DENNY POSTPONED ACTION.

{Tape: 1; Side: a; Approx. Time Count: 39.3; Comments: None.}

HEARING ON SB 124

EXHIBIT 1.

Opening Statement by Sponsor: SEN. CHRIS CHRISTIAENS, S.D. 23.

EXHIBIT 2.

{Tape: 1; Side: a; Approx. Time Count: 39.6; Comments: None.}

Proponents' Testimony:

Michael O'Conner, Acting Administrator, Public Employees Retirement Division.

EXHIBIT 3.

{Tape: 1; Side: a; Approx. Time Count: 40.9; Comments: None.}

Jerry Williams, Montana Police Protective Association.

{Tape: 1; Side: b; Approx. Time Count: 9.2; Comments: None.}

Questions From Committee Members and Responses:

{Tape: 1; Side: b; Approx. Time Count: 10.7; Comments: None.}

Closing by Sponsor: SEN. CHRISTIAENS closes.

{Tape: 1; Side: b; Approx. Time Count: 27.4; Comments: None.}

EXECUTIVE ACTION ON HB 376

Discussion: Continued Discussion on HB 376.

{Tape: 1; Side: b; Approx. Time Count: 31.2; Comments: None.}

Motion/Vote: DO PASS AS AMENDED/ motion carried 16-0.

{Tape: 1; Side: b; Approx. Time Count: 40.3; Comments: None.}

EXECUTIVE ACTION ON HB 134

Motion: REP. SIMPSON MOVED DO PASS ON HB 134.

{Tape: 1; Side: b; Approx. Time Count: 41.7; Comments: None.}

Amendments: hb0131401.ash

Motion: REP. MILLS MOVED TO AMEND.

{Tape: 1; Side: b; Approx. Time Count: 41.9; Comments: None.}

Vote: Motion carried 14-0.

{Tape: 1; Side: b; Approx. Time Count: 43.7; Comments: None.}

Motion/Vote: REP. SIMPSON MOVED DO PASS AS AMENDED/ motion carried 16-0.

{Tape: 1; Side: a; Approx. Time Count: 43.8; Comments: None.}



HOUSE STANDING COMMITTEE REPORT

February 7, 1997

Page 1 of 1

Mr. Speaker: We, the committee on State Administration report that House Bill 376 (first reading copy -- white) do pass as amended.

Signed: Matt Denny
Matt Denny, Chair

And, that such amendments read:

1. Title, line 6.

Following: "AREA;"

Insert: "EXCEPTING THE BOARD OF REGENTS;"

2. Page 1, line 16.

Following: "agency"

Insert: "other than the board of regents"

-END-

Committee Vote:
Yes 16, No 0.

217
mp

291138SC.Hgd

2-7-97
State Admin

ROLL CALL

NAME	PRESENT	ABSENT	EXCUSED
Rep. Matt Brainard	X		
Rep. Harriet Hayne	X		
Rep. Darrel Adams	X		
Rep. Haley Beaudry	X		
Rep. William Rehbein, Jr.	X		
Rep. Sam Kitzenberg	X		
Rep. Allan Walters	X		
Rep. Norm Mills	X		
Rep. Tim Dowell	X		
Rep. Doug Mood	X		
Rep. Trudi Schmidt	X		
Rep. Bill Whitehead			X
Rep. George Heavy Runner			X
Rep. Dorothy C. Simpson	X		
Rep. Antoinette R. Hagener	X		
Rep. Matt Denny	X		

CHAIRMAN HARGROVE asked what authority the committees would have. **REP. BRAINARD** replied that the committees would have no more authority than the Codes Committee has at present. It is not authority that the committee needs, it needs knowledge. He discussed the problems of getting up to speed in dealing with issues. It would be valuable to have the interim knowledge.

SEN. MESAROS discussed the interim committee work he was presently doing and how this would add to the work load for citizen legislators. **REP. BRAINARD** replied that this committee would be bipartisan and should be flexible as far as numbers on the committee. There are some members of both houses that have more time and it has to be voluntary. There would be four meetings during the interim.

Closing by Sponsor:

REP. BRAINARD closed. He said he was opposed to annual sessions and a citizen legislature would be cumbersome and there would not be the same types of people representing fellow citizens. This bill would be effective in helping with legislation.

Testimony from **Mike Collins** on HB 368 from the hearing on March 7, 1997, was distributed **EXHIBIT 1**.

HEARING ON HB 376

Sponsor: **REP. JOE TROPILA, HD 47, Great Falls**

Proponents: **Bob Lane, Chief Legal Council, Fish Wildlife and Parks**

Opponents: **None**

Opening Statement by Sponsor:

REP. TROPILA discussed the bill. He pointed out present statute where hearings are held in Helena before hearings officers that are not aware of the problem. The bill arose out of a problem encountered by the Great Falls Elks who had an elevator that needed more lift. A variance had to be requested to the Department of Commerce. In order to do that the trustees from the Elks Lodge had to travel to Helena to try to get the variance. The appearance before the hearings officer and other state officials proved fruitless. {Tape: 1; Side: A; Approx. Time Count: 64.5; Comments: examples cited.} The hearings officer had not seen the problem or had no knowledge of the problem and therefore could not act on this issue appropriately. This bill would make the hearings be held in the impacted community so the hearings officers and the people involved in it would have a better understanding of the problems and render more favorable decisions if they knew that the problems were.

Proponents' Testimony:

Bob Lane, Chief Legal Counsel for Department of Fish, Wildlife and Parks spoke in support of the bill, representing executive branch agencies at the request of Judy Browning at the Governor's Office. Generally, the department is in favor of the bill and the concept. Where there are issues of significant interest to the public in an area or community, the best way to do the job is to go out and talk to the community. Mr. Lane distributed amendments EXHIBIT 2. {Tape: 1; Side: A; Approx. Time Count: 71.2 (10:39); Comments: explanation of amendment.}

Opponents' Testimony: None

Informational Testimony:

Sam Prestipino, Americans with Disabilities Act Coordinator for the Montana Department of Transportation discussed the bill. He provided additional information to the committee. He pointed out a concern that the Department of Transportation already meets the requirements of this bill most of the time. However, there are times when the department is involved in a public hearing with a small community that is affected by a transportation related project. In the small, rural communities, they do not have a handicapped accessible meeting facility. When this occurs, the hearing is moved to the closest community with an acceptable facility. The department, between the meetings held in the five districts and the meetings involving the department, are between 300-500 public hearings throughout the state annually. The meetings include scoping, interdisciplinary teams, informational and meetings in affected areas for transportation related projects. He noted that in 1996 there was only one community in 500 that did not have a handicapped accessible facility. {Tape: 1; Side: B (10:45)}.

Questions From Committee Members and Responses:

SEN. BROOKE asked about cleaning up other sections of the law. REP. TROPILA said the only section of law that says you have to come to Helena is the Resort License Law. The departments are aware of the bill.

Closing by Sponsor:

REP. TROPILA closed.

HEARING ON HB 422

Sponsor: REP. KIM GILLAN, HD 11, BILLINGS

Proponents: Angela Fultz, Chief Deputy Secretary of State

Opponents: None

EXECUTIVE ACTION ON HB 348

Motion/Vote: SEN. GAGE moved DO CONCUR HB 348. The question was called. The motion PASSED UNANIMOUSLY. SEN. GAGE will carry the bill.

EXECUTIVE ACTION ON HB 368

Amendments: SEN. WILSON said a small change was needed on page 16, line 15 where the Business and Labor Committee was grouped in with the Secretary of State, since they rarely appear before those committees the Secretary of State should be inserted to State Administration on line 27.

Discussion: CHAIRMAN HARGROVE said he had concerns about the value here. He agreed, but it seemed like a duplication. {Tape: 1; Side: B; Approx. Time Count: 53.2; Comments: discussion.} SEN. GAGE said the bill requiring notice be given to the sponsor would solve the problem, rather than this bill. SEN. WILSON said things will change especially after the term limits. This will be necessary later. SEN. GAGE pointed out that the House holds a different view of the interim committees since that have twice the members to go on them.

Motion/Vote: SEN. GAGE moved to TABLE HB 368. The question was called. The motion PASSED with one no by SEN. WILSON.

EXECUTIVE ACTION ON HB 376

Motion/Vote: SEN. GAGE moved to DO CONCUR HB 376. The question was called. The motion CARRIED UNANIMOUSLY. SEN. MESAROS will carry the bill.

EXECUTIVE ACTION ON HB 422

Amendments: SEN. GAGE moved to amend HB 422 for an immediate effective date, EXHIBIT 4. The motion CARRIED UNANIMOUSLY.

Motion/Vote: SEN. MESAROS moved HB 422 AS AMENDED. The motion CARRIED UNANIMOUSLY.

COMMITTEE DISCUSSION - HB 361

David Niss discussed amendments to HB 361, EXHIBIT 5, 5a.

Amendments to House Bill No. 376
Third Reading Copy

Requested by the Governor's Office
For the Senate Committee on State Administration

Prepared by Robert Lane
March 10, 1997

1. Page 1, line 5.

Following: "THAT"

Strike: "DIRECTLY"

Insert: "SIGNIFICANTLY"

2. Page 1, line 18.

Strike: "directly"

Insert: "significantly"

3. Page 1, line 20.

Insert: "(3) The requirement of a hearing in a specific community
or area does not apply if the agency action is one of general
applicability."



SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 10, 1997

MR. PRESIDENT:

We, your committee on State Administration having had under consideration House Bill 376 (third reading copy -- blue), respectfully report that House Bill 376 be concurred in.

Signed: Don Hargrove
Senator Don Hargrove, Chair

878 Amd. Coord.
Sec. of Senate

Messers
Senator Carrying Bill

521547SC.SRF

DATE 3-10-97

SENATE COMMITTEE ON State Administration

BILLS BEING HEARD TODAY: HB 368, HB 376, HB 422

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PLEASE PRINT

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Check One

Name	Representing	Bill No.	Support	Oppose
SAM PRESTIPINO	MT DEPT OF TRANS	376	INFORMATIONAL	
Bob Lane	MT FWP & NICKER OFFICE	376	✓	
		368		
MIKE COLLINS	SELF	368	✓	
Angela Fultz	Secretary of State	422	✓	

VISITOR REGISTER

PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY